

REMARKS

The Office Action dated December 12, 2004 has been carefully considered. By the present amendment claim 1 amended and claim 2 is cancelled. Claims 1, 3-4 and 6 are pending in this application.

Objection

Claim 2 stands objected to as being dependant upon a rejected base claim (claim 1) but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The element deemed allowable in claim 2 in the Office Action is incorporated by amendment into claim 1 and claim 2 has been cancelled. Specifically, claim 1 now recites that the martensitic transformation temperature of the alloy is lowered by about 80°C from the initial martensitic transformation temperature. Therefore, the Applicant requests removal of this objection.

35 USC §103(a) Rejections

Claims 1, 3, 4 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,036,669 to Brook et al., U.S. Patent No. 4,398,969 to Melton, U.S. Patent No. 4,472,213 to Tabei et al., ("Tabei '213"), U.S. Patent No. 4,554,027 to Tautzenberger et al., U.S. Patent No. 4,750,953 to Tabei ("Tabei '953"), or White et al. Journal de Physique article. As indicated above, claim 1 is amended to incorporate the allowable subject matter of claim 2. Therefore, this rejection is rendered moot.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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